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Item 4 (a) and (d) of the provisional agenda

ACTIVITIES RELATING TO SPECIFIC PROVISIONS OF THE SET:

(a) Studies on restrictive business practices related to the provisions of the Set of Principles and Rules

(d) Technical assistance, advisory and training programmes on restrictive business practices

Note by the UNCTAD secretariat

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INTRODUCTION

1. The Intergovernmental Group of Experts on Restrictive Business Practices at its tenth session, requested the UNCTAD secretariat to finalize a further draft of the study on "Concentration of market power" (TD/B/RBP/80), and to prepare an annoted outline of a possible study on "Competition policy issues related to industrialization in developing countries" for consideration at its eleventh session.[1] Accordingly, a revised version of the "Concentration of market power" study will be before the Intergovernmental Group of Experts, in TD/B/RBP/80/Rev.1. The annotated outline is given in Part I of the present note.

2. With respect to technical assistance, the Intergovernmental Group of Experts on Restrictive Business Practices, in the agreed conclusions of its tenth session, recognized "the importance of both multilateral and bilateral technical assistance as an important way to secure the implementation of the Set and was pleased to note the increased efforts within the framework of UNCTAD, in accordance with sections E.8, F.6 and F.7 of the Set". It further recognized that "although increased, the resources were still not sufficient to meet the needs for assistance". Hence it called upon States, in particular developed countries, to continue to provide technical assistance on both multilateral and bilateral bases in accordance with the commitment made at the Second Review Conference. It also called upon the UNDP to continue to provide appropriate resources for these activities (agreed conclusions of the tenth session, paragraph 7). Moreover, the Intergovernmental Group of Experts requested the UNCTAD secretariat to continue to provide such assistance in order to obtain maximum benefits within available resources. It further requested the secretariat to take fully into account technical assistance given by Governments and other organizations in the field of competition policy (agreed conclusions of the tenth session, paragraph 8).

3. Part II of the present note contains a progress report by the secretariat covering technical assistance, advisory and training activities on restrictive business practices since the tenth session of the Intergovernmental Group of Experts.

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1 See the agreed conclusions adopted by the Intergovernmental Group of Experts on Restrictive Business Practices at its tenth session, contained in annex I to the Report of the Intergovernmental Group of Experts on Restrictive Business Practices on its tenth session (TD/B/131--TD/B/RBP/85), paragraphs 2 and 3.

I. ANNOTATED OUTLINE OF PROPOSED STUDY ON "COMPETITION POLICY ISSUES RELATED TO INDUSTRIALIZATION IN DEVELOPING COUNTRIES"

4. The proposed study would be divided into seven chapters, as indicated below.

Chapter I: "Competition and liberalization in developing countries"

5. This chapter would describe the strong trend in developing countries towards liberalization, deregulation, privatization and market orientation, using selected examples, where appropriate, including those from UNCTAD case studies. It would be noted that the main potential economic advantages of liberalization - namely speedier and more adequate satisfaction of consumer demand, stimulation of entrepreneurial activity, investment and enterprise-level efficiency, and more efficient and decentralized allocation of resources by the market (rather than by planning mechanisms) - would only be fully realized if enterprises acted under the spur of competition, and if demand conditions were accurately fed back to them through price signals.

6. Mention would be made of the assumption that, given the imperfections in developing country markets, liberalization by itself would not suffice to ensure more competition in all sectors while, conversely, in certain sectors, liberalization could lead to "excessive" or inefficient competition because too much market entry could drive prices down to uneconomic levels. It would also be suggested that, for the sake of effectiveness, liberalization should proceed at a pace which allows enterprises sufficient time to prepare themselves for the new situation in terms of restructuring and other adjustments of business strategies, training of personnel and so on, as well as letting government personnel prepare themselves for their new roles (see also paragraph 7 below). The need for keeping a proper balance between degrees of liberalization in different areas and industries so as to ensure that competition among them was not grossly distorted would also be covered.

Chapter II: "The role of competition in economic policy"

7. This chapter would discuss how the reduced role of the State as economic agent and engaged in the direct regulation of the economy should be counterbalanced by its more active role as manager strengthening and supplementing market forces through the provision of a supportive and coherent framework for business activity and competition. Such a framework could include, *inter alia*, (a) "enabling conditions" (appropriate macroeconomic policies, creation of infrastructure and a skill base); (b) promotional measures (including research and development (R and D) support, encouragement of technology inflow, training, technical assistance and diffusion of information) which would direct enterpreneurs towards growth industries and away from industries with over-capacity while facilitating new market entry and strengthening inefficient incumbent firms against strong new competition; (c) incentive measures (including cheap, long-term capital and tax exemptions) aimed at reinforcing rather than distorting market incentives, in a selective, temporary and conditional manner; (d) consumer education, information and redress measures to ensure that the demand side of the market works efficiently to reward or sanction producers as appropriate; and (e) a normative structure, relating, *inter alia* to enterprises, property, contracts, accounts, capital markets and financial services and, very importantly, restrictive business practices (RBPs) control, setting out clear effective rules of the game as to how enterprises should optimally compete in the marketplace in a manner consistent with a market-oriented system.

8. Moreover, it would be suggested that the general rule of "mimumum intervention" by Governments could be suspended - at least temporarily - in certain details and upon certain conditions, in respect of (a) State ownership of firms (see paragraphs 18 and 19 below); (b) public procurement, which can improve competition and efficiency through mechanisms such as competitive tendering, progressive upgrading of technical requirements and guidance in meeting them, and

preferential treatment for small and medium-sized enterprises (SMEs); (c) price regulation (see paragraph 11 below); (d) prudential controls, such as upon financial services, through their beneficial effects in protecting consumers and safeguarding the economy could be weighed against the fact that they constitute entry barriers; and (e) regulatory entry barriers, where unavoidable, for the temporary safeguard of the interests of incumbent producers, whose arguments relating to "excessive competition" and infant industry status may sometimes be justified. Any protection granted could be selective, temporary and conditional upon improvements in efficiency. Progressive movement towards an open economy could be pursued.

Chapter III: "Competition and prices"

9. Chapter III would deal with how scarcity of resources in developing countries makes it particularly important that accurate price signals be given as full a scope as possible for identifying which wants are to be satisfied and to what degree, thus stimulating new production and market entry wherever demand is stronger, resulting in an efficient and flexible allocation of resources. It would likewise highlight that, in the face of trends towards economic globalization, efficient pricing requires that account be taken of international prices of traded goods and of the resource costs of domestic production (valued at economic opportunity costs), thus resulting in specialization according to comparative advantage. It would be noted that for this to work, in the pricing of foreign exchange and entry barriers, care would have to be taken not to unduly distort the real costs of imports.

10. It would be suggested that concerns over the adverse impact of price rises upon consumers, and the socially undesirable allocation of resources for satisfying the needs of a small minority of consumers with strong purchasing power, could be best addressed, on the "demand side", by income supplements and social security nets selectively targeted at strengthening the purchasing power of disadvantaged consumers (thus strengthening the incentive for producers to satisfy their needs) and, on the "supply side", by the encouragement of competition through the measures indicated above, which should eventually serve to stabilize or even reduce prices.

11. However, since some difficulties are inevitable, at least in the short run, a pragmatic approach would be advocated, weighing the desirability of avoiding sudden shocks to consumers against the possibility that half-way measures will not alleviate or could even worsen the situation. Hence, maintaining some degree of price regulation in sectors where (and for as long as) the competitive process was not fully working, such as natural monopolies, would be treated as well. In this connection, the merits of different types of price control mechanisms (such as price-based or rate of return controls, or price-capping formulae) would be discussed in terms of the balance between short-term consumer interests, allocative efficiency, incentives to production efficiency, new investment and new entry, the interplay with competition policy and administrative feasibility for developing countries.

12. Mention would also be made of circumstances where a degree of price-fixing by firms in an industry could be tolerated by RBP control authorities for its potential to strengthen competition (by boosting the bargaining power of smaller enterprises vis-à-vis large monopsonistic buyers, for example), or because of public interest considerations other than competition; the trade-offs involved in such situations would be discussed.

Chapter IV: "Industrial structure and enterprise organization"

13. This chapter would first deal with the question of the optimum size of firms, in terms of competition and allocative and production efficiency, within industries and national economies in individual developing countries, in the light of their specific circumstances (including the degree of industrialization and resource base, size of product and geographical markets, entry barriers and growth prospects). The relative merits of concentration or decentralization of resources and decision-making (including the question of the competitiveness of "national champions"), of vertical integration or out-sourcing and of risk diversification by conglomerates or a focus on core competences, would be examined. The argument that the development process is best served initially by efficient monopolies with competition being introduced later would be assessed. Indus-

trial licensing, promotional, incentive and RBP control measures that have been used by Governments to influence firm size would be examined in this context.

14. Secondly, cooperation among firms would be taken up, making appropriate distinctions among types of "horizontal" and "vertical" cooperation and inter- and intra-industry linkages. Measures used by Governments would be examined, with particular reference to research and development (R and D) joint ventures, relations between main contractors and subcontractors, and joint ventures between domestic and foreign firms. In general, both in respect of the size of firms and cooperation among them, emphasis would be placed on the desirability of case-by-case solutions based on thorough economic analysis.

Chapter V: "Sunrise" and "sunset" industries

15. This chapter would examine, in respect of advanced industries with growth prospects ("sunrise" industries), the questions of whether they should be shielded from or exposed to the full force of competition, granted special incentives, given neutral treatment, or be subject to relatively weaker or stronger RBP controls, as well as what might be the relevant market for the purposes of RBP control analysis. In general, it would be recommended that relatively greater reliance should be placed on public procurement, and enabling, promotional and RBP control measures, rather than incentives. Incentives, where used, should be selectively targeted to particular activities, such as R and D, which would generate positive spillovers (rather than merely encourage production). Any special treatment should be market-oriented, temporary and conditional upon results, with the long-term aim of matching world standards of performance.

16. The question of whether declining "sunset" industries should be allowed simply to wither away or be supported would be taken up next, emphasizing the need for any special treatment to be temporary and conditional. The links among the problems of "excessive competition" (wasteful of the limited resources of developing countries), industry exemptions from competition controls, the "failing firm" defense and policies to discourage market entry and to facilitate restructuring and market exit would be looked at in this context.

17. Both in respect of "sunrise" and "sunset" industries, the difficulties for Governments of accurately forecasting market trends would be noted, suggesting close consultation with enterprises and the use of indirect forms of intervention which are less costly and market-distortive, and which do not foreclose options.

Chapter VI: "Competition, State enterprises and privatization

18. This chapter would look at how policies of minimum State intervention and competition could be applied to State-owned firms, to the privatization process, and to newly privatized firms. The debate over whether efficiency is increased by the transfer from public to private ownership by exposure to competition and greater management accountability would be reviewed. In general, the relationships among competition, efficiency (including the availability and the tying-up of private investment capital), the methods of privatization used, the safeguards adopted and the buyers targeted (including foreigners) would be considered. A pragmatic and gradualist approach giving priority to competition and efficiency rather than ownership would be suggested.

19. It would be suggested that, where State-owned firms were already operating in competitive markets, there would be usually much to be gained and little to be lost through privatization and the normal RBP controls would suffice to deal with competition concerns. The mechanisms relating to the exposure to competition of State-owned firms operating in potentially competitive markets, usually as a prelude to privatization, would be dealt with in greater depth, including, *inter alia*, removal of regulatory entry barriers, restructuring and RBP controls on dominant positions of market power. In respect of situations of natural monopoly, the merits of privatization vis-à-vis continuing but reformed State management would be discussed, in terms of production and allocative efficiences, the macroeconomic and consumer effects of inefficiency or high prices set by utilities, the massive needs in developing countries for investment in infrastructure, the desirability of separating the ownership and regulatory functions of Government, and the shortage

in developing countries of the adminstrative capabilities to implement sophisticated controls over natural monopolies. Possible methods and modalities for privatizing natural monopolies in a manner reducing possibilities for abuse of market power, such as prior restructuring, tendering, contracting-out or concessions would also be discussed, along with appropriate post-privatization control mechanisms, with cross-references to chapter III (see paragraph 11 above).

Chapter VII: "The role of competition authorities"

20. This chapter would suggest a dual role for RBP control authorities. On the one hand, they could consult and coordinate with other governmental authorities, including those responsible for general economic and financial policies, enterprises, business licensing, capital markets, taxation, technology, price control, consumer protection, industry sectors, privatization and foreign investment and trade, with a view to ensuring that competition policy is taken into account as much as possible in the design of other policies, and that all policies are implemented in a mutually consistent manner. The intervention of competition authorities could be particularly useful in respect of industrial promotion and incentive measures (including with respect to sunrise and sunset industries) and State-owned firms (where a market analysis could provide a basis upon which decisions could be made as to how to introduce competition and whether and how to privatize). Their intervention could also be useful in respect of import régimes, where competition authorities could help to balance the interests of consumers (including users of intermediate inputs) against those of incumbent producers, or of potential investors, within an appropriate time frame; the competition effects of import liberalization could also be backed by appropriate action against anti-competitive practices of transnational corporations (TNCs), of distributors, or of incumbent local producers, in collaboration with foreign RBP control authorities, where appropriate.

21. It would be suggested that, by the same token, RBP controls could be implemented in the light of the broader economic picture where competition policy plays a role, so that there would be mutual feedback between the micro-economic analytical techniques applied to individual transactions and broader macroeconomic policies. Given the limited resources of RBP control authorities in developing countries, it would in fact be essential for them to decide upon enforcement priorities on the basis of trends relating to economic liberalization. Thus, at different stages of liberalization in each sector, priority could be flexibly given to enforcement against monopolies and abuses of dominant position, mergers, predatory pricing, restrictions upon access to network connections, cartels or collusion (including by overseas-based firms), distribution restrictions or other RBPs, while, conversely, leniency could be exercised, where appropriate, so as to permit the necessary restructuring to meet better the radical changes brought about by liberalization. Given trends towards economic globalization, the strengthening of cooperation with competition authorities in other countries would also be advised.

II. PROGRESS REPORT ON UNCTAD's TECHNICAL ASSISTANCE, ADVISORY AND TRAINING ACTIVITIES

A. Continuing strong interest in competition policies

22. Developing countries, as well as countries in transition from centrally planned to market economies, have continued to show strong interest in competition policies. Economic reforms and structural adjustment plans adopted in a large number of countries usually involve deregulation, divestiture of State monopolies and privatization, in parallel with the elimination of subsidies and the liberalization of prices, often accompanied by the dismantling of trade restraints and the opening up of the economy to international trade competition.

23. It is clear that, in attempting to liberalize prices and introduce deregulation, existing monopolistic structures and State monopolies might hinder the operation of the market mechanism in setting relative prices and allocating resources. Hence, the interest shown by many countries in the creation of an appropriate framework for competition, and the adoption of appropriate legislation and implementation of judicial and administrative procedures for the control of RBPs, as called for in paragraph 1, section E, of the Set of Principles and Rules.

24. It should be noted that UNCTAD VIII, in the "Cartagena Commitment",[2] agreed that "the UNCTAD secretariat and developed countries should also provide, upon request and within available resources, developing countries and other countries with technical cooperation in the area of competition policy". The specific mention of "other countries" is intended to cover the countries in transition from centrally-planned to market economies. For countries having little or no experience in the area of competition/restrictive business practices, the needs for technical assistance, advisory and training programmes may be summarized as follows:

(1) The holding of an introductory seminar aimed at sensitizing Governments and legislators, as well as academics, business and consumer-oriented circles, to the importance of competition policy, and the need for appropriate RBP control legislation.

(2) Upon request, once the Government has decided that it needs RBP legislation, providing advisory services with respect to the drafting of national RBP control legislation. (This usually involves assistance by high-level experts from developed or other countries experienced in the field of competition.)

(3) Once the RBP control legislation has been adopted, the training of national officials responsible for implementation of the RBP control legislation might be needed. Upon request, training workshops might be envisaged, at home or abroad, with high-level foreign experts; another possibility would be to arrange internships at foreign competition or RBP control authorities, for given periods of time, as may be offered by the foreign authorities in question.

(4) A possible fourth element could include, in some countries if they so request, assistance in "institution building", i.e. in the establishment of the competition/RBP control authority and implementation of the law.

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2 See UNCTAD, "A new partnership for development: the Cartagena Commitment" (TD(VIII)/Misc.4), paragraph 148.

B. UNCTAD activities since the tenth session of the Intergovernmental Group of Experts on Restrictive Business Practices

1. The Subregional Workshop on Restrictive Business Practices for the Association of South-East Asian Nations (ASEAN)

25. As planned, the Workshop, which had been postponed for reasons beyond control (volcanic eruption), took place from 20 to 22 November 1991 in Manila (Philippines) and was attended by participants from Brunei Darussalam, Indonesia, Malaysia and Thailand, in addition to the participants from the host country.

26. The main issues covered during the Workshop - and on which presentations were made by two experts from the Netherlands and Norway as well as by UNCTAD staff members - were:

(a) a general introduction to competition issues and to restrictive business practices;

(b) an overview of competition policy in the light of price liberalization, deregulation and privatization, and trade liberalization in ASEAN countries;

(c) a review of experience in judicial and administrative action for the control of RBPs; and proposed legislation in the Philippines; and

(d) the adoption of conclusions and recommendations in the field of competition policy for ASEAN countries.

2. Advisory mission to Colombia and to Trinidad and Tobago (9 to 13 March 1992)

27. In response to requests made during the UNCTAD VIII Conference in Cartagena de Indias (Colombia), the Chief of the Restrictive Business Practices Unit of UNCTAD met with the National Planning Department (Departamento Nacional de Planeación) and the Ministry of Development (Ministerio de Desarrollo) in Bogota, to advise the Government of Colombia with respect to the preparation of draft RBP control legislation in Colombia. He also held talks in Port-of-Spain (Trinidad and Tobago) with the Minister of Consumer Affairs and Social Services, the Director of the Public Utilities Commission and officials from the Ministry of Finance and the Prices Commission, as the Government was considering the drafting of a law on restrictive business practices, and the establishment of a Monopolies and Restrictive Business Practices Commission. Extensive talks were also organized with business circles and representatives of the Chambers of Industry and Commerce in Trinidad and Tobago.

3. The Ghana country project

28. Following the RBP seminar held in Accra, Ghana, from 25 to 27 February 1991, the Ghanaian authorities requested UNCTAD to provide advisory services for the preparation of a draft RBP law for Ghana. Under the Ghana (UNCTAD UNDP) "Umbrella Project for Strengthening Development Planning" (Component XXV, RBP Project, No.GHA 85 010.Q 01 31), advisory services were provided by British and German experts and UNCTAD staff, and a draft law was prepared by the Government. It was expected that when the law had been adopted, UNCTAD would embark on stage three of the project, which involves the training of officials who will be responsible for the implementation of the law.

4. National workshop on restrictive business practices - Beijing, China

29. At the request of the Chinese authorities, a three-day workshop has been scheduled to take place in Beijing, China, from 7 to 9 September 1992. The seminar was expected to be attended by some 80 participants from Government, as well as academic, business and consumer-oriented circles. Lectures would be given by experts from France, Norway and the United Kingdom, as well as two UNCTAD staff members.

5. National seminar on restrictive business practices - Hanoi, Viet Nam

30. A three-day national seminar on restrictive business practices has also been organized in Hanoi, Viet Nam, from 14 to 16 September, to discuss issues of competition and RBP control. Experts from France, the European Community and two UNCTAD staff members were expected to participate in this event, which will take place "back-to-back", following the Beijing workshop, in order to economize travel expenses.

6. National seminar on restrictive business practices - Buenos Aires, Argentina

31. The German Government, through the German Foundation for Development (DSI) and in cooperation with UNCTAD has organized a five-day training seminar for staff members of RBP control authorities in Buenos Aires, Argentina, in October 1992.

C. Further technical assistance and resource requirements

1. Voluntary contributions

32. The Dutch and Norwegian contributions received in 1991 have enabled the UNCTAD secretariat to undertake urgently needed activities as described above. The UNCTAD secretariat is most appreciative of these contributions. So far no further voluntary contributions have been received in 1992, in spite of the declarations of goodwill expressed during the Second Review Conference (1990) and the tenth session of the Intergovernmental Group of Experts on Restrictive Business Practices in October 1991.

33. While a number of concrete proposals have been presented to potential contributors, so far there has been no clear indication of any commitment to contribute resources. A minimum contribution to the RBP Trust Fund is essential if UNCTAD is to embark on national seminars and workshops. The activities reported for 1992 have been made possible by residual funds from the Norwegian contribution of 1991 and the participation of the national experts whose travel and per diem expenses have generously been covered by their respective Governments. However, for those countries in transition to more market-based policies, very modest amounts of technical cooperation can go a long way towards establishing a legal framework to secure the beneficial effects of increased competition. Thus, the secretariat is appealing to States members of UNCTAD, and regional groupings, for additional contributions to the Trust Fund, so as to enable UNCTAD to respond favourably to the many unfulfilled requests for assistance in this area.

2. UNDP projects

34. A number of forthcoming regional, subregional and national projects under discussion for approval with UNDP include an RBP component - such as the Ghana Umbrella project discussed above. However, final decisions are still pending, leaving implementation of the RBP component uncertain at the present time.

3. Requests for technical assistance

35. The status of RBP technical assistance programmes is shown in the table below. As may be seen, since 1986, when the RBP technical assistance programme of UNCTAD was initiated, representatives of some 56 countries have participated in regional seminars organized by or in cooperation with UNCTAD. In most cases this involved a single person per country, whose activities were either directly or indirectly linked to RBP control, or, more generally, for countries which did not have RBP legislation, officials dealing with corporate law, enterprise policy, trade policy or consumer affairs. Hence, the impact of this action over a period of seven years cannot be expected to be very strong, although in a number of cases, countries where RBP seminars were held have subsequently adopted RBP laws.

36. National seminars, on the other hand (stage one of UNCTAD national RBP projects) are felt to have a much stronger impact, as this activity touches a wider range of Ministries, government officials, academics, business and consumer-oriented circles in a position to take decisive action. Over a period of seven years, ten national RBP seminars or workshops have been organized. Requests for national RBP seminars or workshops presently awaiting support amount to 22. National legislation exists in only 16 countries, while UNCTAD has provided advisory services to eight countries directly related to the preparation of national RBP legislation. The pending requests for further action in this respect emanate from some six countries.

4. Need to coordinate assistance

37. So that the UNCTAD secretariat can take fully into account technical assistance given by Governments and other organizations in the field of competition policy, as requested by the Intergovernmental Group of Experts at its tenth session, Governments and organizations such as the OECD are invited to indicate to UNCTAD the kind of bilateral and or multilateral action presently under way, with a view to setting the basis for a degree of coordination in this area of technical assistance. The table below might also be useful in this respect.

Table

Status of RBP technical assistance programmes

Request received from:	A - REGIONAL	B - NATIONAL		
		Stage I	Stage II	Stage III
	Participation in seminar or workshop	National Seminar	Drafting of Legislation	Training of RBP control officials
Albania	R	R	--	--
Argentina	★	★	□	P
Bangladesh	★	--	--	--
Botswana	★	--	--	--
Bolivia	★	--	--	--
Brazil	★	--	□	--
Brunei Darussalam	★	--	--	--
Bulgaria	R	R	--	--
Cameroon	★	R	R	--
Chile	★	★	□	★
China	★	★	R	--
Colombia	★	R	**	--
Costa Rica	★	R	--	--
Cuba	★	★	--	--
Czechoslovakia	--	--	□	--
Demo.Republic of Korea	★	R	--	--
Dubai	R	R	--	--
Ecuador	★	R	--	--
Egypt	★	R	--	--
Ethiopia	★	--	--	--
El Salvador	★	--	--	--
Fiji	★	--	--	--
Gambia	★	--	--	--
Ghana	★	★	**	P
Guatemala	★	--	--	--
Guinea	★	R	R	--
Honduras	★	--	--	--
Hungary	--	--	□	--
Indonesia	★	★	R	R
India	★	--	□	--
Iran (Islamic Republic)	★	--	--	--
Kenya	★	★	□	★
Lesotho	★	--	--	--
Liberia	★	--	--	--
Madagascar	★	R	--	--

Table (continued)

Status of RBP technical assistance programmes (continued)

Request received from:	A - REGIONAL	B - NATIONAL		
		Stage I	Stage II	Stage III
	Participation in seminar or workshop	National Seminar	Drafting of Legislation	Training of RBP control officials
Mexico	★	R	--	--
Mongolia	★	R	--	--
Morocco	★	R	--	--
Myanmar	★	R	--	--
Nepal	★	--	--	--
Nicaragua	★	--	--	--
Nigeria	★	P	P	P
Oman	--	R	--	--
Pakistan	★	--	□	--
Papua New Guinea	★	--	--	--
Paraguay	★	--	--	--
Peru	★	R	□	R
Poland	R	R	□	--
Philippines	★	★	**	--
Republic of Korea	★	--	□	--
Romania	R	R	--	--
Russian Federation	★	R	□	--
Somalia	★	--	--	--
Sri Lanka	★	R	□	★
Swaziland	★	--	--	--
Thailand	★	★	□	--
Trinidad and Tobago	★	--	--	--
Tunisia	★	--	□	R
Uruguay	★	--	--	--
Viet Nam	★	P	--	--
Venezuela	★	--	□	--
Zambia	★	★	P	P
Zimbabwe	★	--	**	--

Note : ★ = action has taken place; R = action has been requested; P = action is planned; □ = country has a law; ** = drafting of legislation in progress; -- = no action yet planned.